

AMENDED IN SENATE AUGUST 22, 2014
AMENDED IN SENATE SEPTEMBER 6, 2013
AMENDED IN ASSEMBLY APRIL 9, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1330

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to amend Sections 12812.2 and 54954.3 of the Government Code, ~~to amend Sections 25135 and 44050 of, and to add Sections 25135.10, 25135.11, 25196.1, and 42410.1 to, the Health and Safety Code, and to amend Section 71116 of, and to add Sections 45024.1, 45025.1, 71116.1, 71117.5, 71119, and 71119.5 to, Section 71119 to the Public Resources Code, relating to environmental justice, and making an appropriation therefor.~~ *justice.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1330, as amended, John A. Pérez. Environmental justice.

(1) ~~Existing law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice to assist the secretary in developing an agency wide strategy for identifying and addressing gaps in existing programs, policies, or activities of the boards, departments, and offices of the California Environmental Protection Agency that may impede the achievement of environmental justice. Existing law requires the agency to identify disadvantaged communities for investment opportunities under the California Global Warming Solutions Act of 2006.~~

~~This bill would require the agency, on or before January 1, 2015, to establish a list of environmental justice communities identifying the~~

~~top 15% of communities in the state, based on census tracts, that are disproportionately impacted by environmental hazards. The bill would require the agency to revise the list on a triennial basis.~~

~~(2) Existing law imposes administrative, civil, and criminal fines and penalties for a violation of specified environmental laws and establishes the maximum amount of fines and penalties.~~

~~This bill would require the enforcement agency with jurisdiction over those environmental laws and the courts to double the maximum amount of fines and penalties assessed if a violation occurs at a facility located in an environmental justice community that results in an increased level of emissions or discharges that exceeds the level permitted under that environmental law. The bill would require a specified amount of fines and penalties collected pursuant to this provision to be deposited into the Green Zone Trust Fund, which the bill would establish in the State Treasury. By requiring an enforcement agency to deposit a specified portion of fines and penalties it collects into the Green Zone Trust Fund, the bill would increase the level of service provided by the enforcement agency, thereby imposing a state-mandated local program. The bill would require moneys in the Green Zone Trust Fund, upon appropriation by the Legislature, to be expended by the California Environmental Protection Agency to support Green Zone Environmental Projects that are environmentally beneficial to environmental justice communities. The bill would require the agency, on or before January 1, 2015, to establish guidelines to designate Green Zone Environmental Projects.~~

~~(3)~~

~~(1) Existing law gives the responsibility and authority to a deputy to the Secretary for Environmental Protection to, in consultation with the Attorney General, establish a cross-media enforcement unit to assist a board, department department, office, or other agency that implements a law or regulation within the jurisdiction of the California Environmental Protection Agency. Existing law requires the agency to identify disadvantaged communities for investment opportunities under the California Global Warming Solutions Act of 2006.~~

~~This bill would require the secretary to ensure that the unit give priority to enforcement actions for a violation occurring in an environmental justice community; those disadvantaged communities.~~

~~(4) Existing law requires the Department of Toxic Substances Control to prepare, adopt, and review triennially a state hazardous management plan that serves as a comprehensive planning document for the state~~

and as a useful source of information for the public, local government, and regional councils of government.

~~This bill would require the department, on or before January 1, 2016, in consultation with the Hazardous Waste Reduction Advisory Committee, which the bill would establish, to prepare and submit to the Legislature the state hazardous waste reduction plan that identifies measures necessary to achieve significant reduction in hazardous waste generated and disposed of in California by 2025 to the maximum extent practicable. The bill would require the department, on or before January 1, 2017, and biennially thereafter, to report to the Legislature on its progress toward achieving the reduction goals in the plan.~~

(5)

(2) The Ralph M. Brown Act requires a local legislative body to provide an opportunity for members of the public to directly address the body concerning any item described in a notice of meeting. The act authorizes the legislative body to adopt reasonable regulations limiting the total amount of time allocated for public testimony for each individual speaker.

~~This bill would, if a local legislative body limits the time for public comment, prohibit, if a local legislative body limits the time for public comment, the body from counting the time used by a translator to translate comments from a non-English-speaking commenter non-English speaker in determining whether the speaker has exceeded his or her time limit unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.~~

~~(6) Existing law requires the California Environmental Protection Agency to establish the Environmental Justice Small Grant Program to provide grants to eligible community groups that are involved in working to address environmental justice issues. Existing law caps the amount of a grant at \$20,000.~~

This bill would raise the grant cap to \$50,000.

(7)

(3) This bill would require the California Environmental Protection Agency to maintain an agencywide public database of ~~complaints and enforcement cases for~~ *certain information related to entities regulated by* each board, department, and office of the agency.

~~(8) This bill would appropriate \$800,000 from the Hazardous Waste Control Account to the Department of Toxic Substances Control for the purposes of preparing the state hazardous waste reduction plan.~~

(9)

(4) The bill would declare that the provisions of the bill are severable.

~~(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(5) This bill would incorporate additional changes to Section 54954.3 of the Government Code proposed by AB 194 that would become operative if this bill and AB 194 are both chaptered and this bill is chaptered last.~~

Vote: majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION 1. ~~(a) The Legislature finds and declares all of the~~
2 ~~following:~~

3 ~~(1) The Legislature, in 2001, enacted Senate Bill 828 of the~~
4 ~~2001-02 Regular Session (Chapter 765 of the Statutes of 2001) to~~
5 ~~require the California Environmental Protection Agency to convene~~
6 ~~a Working Group on Environmental Justice to assist the agency~~
7 ~~in developing an agencywide strategy for identifying and~~
8 ~~addressing gaps in existing programs, policies, or activities that~~
9 ~~may impede the achievement of environmental justice.~~

10 ~~(2) After the development of the strategy, Senate Bill 828~~
11 ~~requires each board, department, and office within the agency, in~~
12 ~~coordination with the Secretary for Environmental Protection and~~
13 ~~the Director of the Office of Planning and Research, to review its~~
14 ~~programs, policies, or activities that may impede the achievement~~
15 ~~of environmental justice.~~

16 ~~(3) Senate Bill 828 also requires the secretary to submit, on a~~
17 ~~triennial basis beginning on January 1, 2004, a report to the~~
18 ~~Governor and the Legislature, on the implementation of the above~~
19 ~~requirements.~~

20 ~~(4) In September of 2004, the agency submitted to the Governor~~
21 ~~and the Legislature a report on actions taken to implement Senate~~
22 ~~Bill 828.~~

23 ~~(5) In October of 2004, the agency issued the Environmental~~
24 ~~Justice Action Plan identifying opportunities for the agency and~~

1 its boards, departments, and offices to take the initial steps toward
2 addressing environmental justice issues.

3 ~~(6) Since 2004, the agency has not submitted a report to the~~
4 ~~Governor or the Legislature on the implementation of the~~
5 ~~Environmental Justice Action Plan.~~

6 ~~(7) Additionally, issues regarding environmental justice not~~
7 ~~addressed by the agency may have arisen since 2004.~~

8 ~~(b) It is the intent of the Legislature that the agency should~~
9 ~~update the Environmental Justice Action Plan to address issues~~
10 ~~regarding environmental justice that may have arisen since 2004~~
11 ~~that may have impeded the achievement of environmental justice.~~

12 ~~(c) It is further the intent of the Legislature to ensure increased~~
13 ~~public participation from individuals in the environmental justice~~
14 ~~community in the governmental decisionmaking process.~~

15 ~~SEC. 2.~~

16 *SECTION 1.* Section 12812.2 of the Government Code is
17 amended to read:

18 12812.2. (a) One of the deputies to the Secretary for
19 Environmental Protection shall be a deputy secretary for law
20 enforcement and counsel, who, subject to the direction and
21 supervision of the secretary, shall have the responsibility and
22 authority to do all of the following:

23 (1) Develop a program to ensure that the boards, departments,
24 offices, and other agencies that implement laws or regulations
25 within the jurisdiction of the California Environmental Protection
26 Agency take consistent, effective, and coordinated compliance
27 and enforcement actions to protect public health and the
28 environment. The program shall include training and cross-training
29 of inspection and enforcement personnel of those boards,
30 departments, offices, or other agencies to ensure consistent,
31 effective, and coordinated enforcement.

32 (2) (A) In consultation with the Attorney General, establish a
33 cross-media enforcement unit to assist a board, department, office,
34 or other agency that implements a law or regulation within the
35 jurisdiction of the California Environmental Protection Agency,
36 to investigate and prepare matters for enforcement action in order
37 to protect public health and the environment. The unit may inspect
38 and investigate a violation of a law or regulation within the
39 jurisdiction of the board, department, office, or other agency,
40 including a violation involving more than one environmental

1 medium and a violation involving the jurisdiction of more than
2 one board, department, office, or agency. The unit shall exercise
3 its authority consistent with the authority granted to the head of a
4 department pursuant to Article 2 (commencing with Section 11180)
5 of Chapter 2 of Part 1.

6 (B) The Secretary for Environmental Protection shall ensure
7 that the unit shall give priority to enforcement actions for violations
8 that have occurred in a community listed pursuant to Section
9 ~~71117.5~~ 39711 of the ~~Public Resources~~ *Health and Safety Code*.

10 (3) Refer a violation of a law or regulation within the jurisdiction
11 of a board, department, office, or other agency that implements a
12 law or regulation within the jurisdiction of the California
13 Environmental Protection Agency to the Attorney General, a
14 district attorney, or city attorney for the filing of a civil or criminal
15 action.

16 (4) Exercise the authority granted pursuant to paragraph (3)
17 only after providing notice to the board, department, office, or
18 other agency unless the secretary determines that notice would
19 compromise an investigation or enforcement action.

20 (b) Nothing in this section shall authorize the deputy secretary
21 for law enforcement and counsel to duplicate, overlap, compromise,
22 or otherwise interfere with an investigation or enforcement action
23 undertaken by a board, department, office, or other agency that
24 implements a law or regulation subject to the jurisdiction of the
25 California Environmental Protection Agency.

26 (c) The Environmental Protection Agency shall post on its
27 *Internet* Web site, updated no later than December 1 of each year,
28 the status of the implementation of this section.

29 ~~SEC. 3.~~

30 *SEC. 2.* Section 54954.3 of the Government Code is amended
31 to read:

32 54954.3. (a) Every agenda for regular meetings shall provide
33 an opportunity for members of the public to directly address the
34 legislative body on any item of interest to the public, before or
35 during the legislative body's consideration of the item, that is
36 within the subject matter jurisdiction of the legislative body,
37 provided that no action shall be taken on any item not appearing
38 on the agenda unless the action is otherwise authorized by
39 subdivision (b) of Section 54954.2. However, the agenda need not
40 provide an opportunity for members of the public to address the

1 legislative body on any item that has already been considered by
2 a committee, composed exclusively of members of the legislative
3 body, at a public meeting wherein all interested members of the
4 public were afforded the opportunity to address the committee on
5 the item, before or during the committee's consideration of the
6 item, unless the item has been substantially changed since the
7 committee heard the item, as determined by the legislative body.
8 Every notice for a special meeting shall provide an opportunity
9 for members of the public to directly address the legislative body
10 concerning any item that has been described in the notice for the
11 meeting before or during consideration of that item.

12 (b) The legislative body of a local agency may adopt reasonable
13 regulations to ensure that the intent of subdivision (a) is carried
14 out, including, but not limited to, regulations limiting the total
15 amount of time allocated for public testimony on particular issues
16 and for each individual speaker.

17 (c) (1) To ensure that a non-English speaker who uses a
18 translator receives the same opportunity to directly address the
19 legislative body of a local agency as a speaker who does not use
20 a translator, notwithstanding subdivision (b), if that body limits
21 time for public comment, the time used by a translator to translate
22 a non-English speaker's comments into English shall not count
23 toward the speaker's allotted time.

24 (2) Paragraph (1) shall not apply if the legislative body of a
25 local agency utilizes simultaneous translation equipment in a
26 manner that allows that body to hear the translated public testimony
27 simultaneously.

28 (d) The legislative body of a local agency shall not prohibit
29 public criticism of the policies, procedures, programs, or services
30 of the agency, or of the acts or omissions of the legislative body.
31 Nothing in this subdivision shall confer any privilege or protection
32 for expression beyond that otherwise provided by law.

33 *SEC. 2.5. Section 54954.3 of the Government Code is amended*
34 *to read:*

35 54954.3. (a) Every agenda for regular meetings shall provide
36 an opportunity for members of the public to directly address the
37 legislative body on any item of interest to the public, ~~before or~~
38 *before, and* during the legislative body's consideration of the item,
39 that is within the subject matter jurisdiction of the legislative body,
40 provided that no action shall be taken on any item not appearing

1 on the agenda unless the action is otherwise authorized by
2 subdivision (b) of Section 54954.2. However, the agenda need not
3 provide an opportunity for members of the public to address the
4 legislative body on any item that has already been considered by
5 a committee, composed exclusively of members of the legislative
6 body, at a public meeting wherein all interested members of the
7 public were afforded the opportunity to address the committee on
8 the item, before or during the committee's consideration of the
9 item, unless the item has been substantially changed since the
10 committee heard the item, as determined by the legislative body.
11 Every notice for a special meeting shall provide an opportunity
12 for members of the public to directly address the legislative body
13 concerning any item that has been described in the notice for the
14 meeting before or during consideration of that item.

15 (b) The legislative body of a local agency may adopt reasonable
16 regulations to ensure that the intent of subdivision (a) is carried
17 out, including, but not limited to, regulations limiting the total
18 amount of time allocated for public testimony on particular issues
19 and for each individual ~~speaker~~ *speaker, and the procedure for*
20 *public comment on agenda items.*

21 (c) *(1) Subject to reasonable regulations promulgated pursuant*
22 *to subdivision (b), the legislative body of a local agency, or its*
23 *presiding officer or staff, acting in their official capacity on behalf*
24 *of the legislative body, shall not prohibit, limit, or otherwise*
25 *prevent any of the following:*

26 ~~(e) The legislative body of a local agency shall not prohibit public~~
27 *(A) Public criticism of the policies, procedures, programs, or*
28 *services of the agency, or of the acts or omissions of the legislative*
29 *body. Nothing in this subdivision shall confer any privilege or*
30 *protection for expression beyond that otherwise provided by law*
31 *or its officers or employees acting in their official capacity.*

32 *(B) Comment by a member of the public during presentation of*
33 *an agenda item that has not provided notice of his or her desire*
34 *to comment prior to consideration of the agenda item by the*
35 *legislative body.*

36 *(C) Comment by a member of the public based on his or her*
37 *viewpoint where the comment is within the subject matter*
38 *jurisdiction of the legislative body.*

39 *(2) If a legislative body limits the total amount of time allocated*
40 *for public testimony on a particular issue or for each individual*

1 *speaker, the questioning or interrupting of the speaker by the*
2 *legislative body, its officers or employees, and the speaker's*
3 *response to questioning shall not reduce the total time allocated*
4 *for public testimony on the particular issue or allocated for an*
5 *individual speaker.*

6 *(3) This subdivision shall not be construed to confer any*
7 *privilege or protection for expression beyond that otherwise*
8 *provided by law.*

9 *(d) (1) To ensure that a non-English speaker that uses a*
10 *translator receives the same opportunity to directly address the*
11 *legislative body of a local agency as a speaker who does not use*
12 *a translator, notwithstanding subdivision (b), if that body limits*
13 *time for public comment, the time used by a translator to translate*
14 *a non-English speaker's comments into English shall not count*
15 *toward the speaker's allotted time.*

16 *(2) Paragraph (1) shall not apply if the legislative body of a*
17 *local agency utilizes simultaneous translation equipment in a*
18 *manner that allows that body to hear the translated public*
19 *testimony simultaneously.*

20 ~~SEC. 4. Section 25135 of the Health and Safety Code is~~
21 ~~amended to read:~~

22 ~~25135. (a) The Legislature finds and declares as follows:~~

23 ~~(1) An effective planning process involving public and private~~
24 ~~sector participation exists at the county level for establishing new,~~
25 ~~or expanding existing, solid waste facilities, but an equivalent~~
26 ~~process has not been established at the local level to plan for the~~
27 ~~management of hazardous wastes.~~

28 ~~(2) Counties are presently required to prepare solid waste~~
29 ~~management plans for all waste disposal within each county and~~
30 ~~for all waste originating in each county. While the department has~~
31 ~~requested that counties include in their solid waste management~~
32 ~~plans a hazardous waste management element, there is not presently~~
33 ~~a clear mandate that they do so.~~

34 ~~(3) Hazardous waste management planning at the local level~~
35 ~~has been hampered because the department has not provided the~~
36 ~~counties with adequate and comprehensive planning guidelines,~~
37 ~~there is a lack of accurate data on hazardous waste generation,~~
38 ~~handling, and disposal practices, adequate funding has not been~~
39 ~~available, and local expertise in hazardous waste planning has not~~
40 ~~been developed.~~

~~(4) The failure to plan for the safe and effective management of hazardous wastes has contributed to the public's general uncertainty in viewing proposals to site hazardous waste facilities at various locations throughout the state. Because advance planning has not taken place, local governments are not prepared to consider siting proposals and the public has not received adequate answers to questions concerning the need for proposed facilities.~~

~~(5) Safe and responsible management of hazardous wastes is one of the most important environmental problems facing the state at the present time. It is critical to the protection of the public health and the environment, and to the economic growth of the state. If environmentally sound hazardous waste facilities are not available to effectively manage the hazardous wastes produced by the many industries of the state, economic activity will be hampered and the economy cannot prosper.~~

~~(6) The Legislature has given the Department of Toxic Substances Control responsibility for the state's hazardous waste management system to protect public health and the environment from toxic harm.~~

~~(7) California needs a statewide strategy to reduce the amount of hazardous waste it generates and disposes.~~

~~(b) The Legislature, therefore, declares that it is in the public interest to establish an effective process for hazardous waste management planning at the local level. This process is consistent with the responsibility of local governments to assure that adequate treatment and disposal capacity is available to manage the hazardous wastes generated within their jurisdictions.~~

~~(c) It is the intent of the Legislature that the hazardous waste management plans prepared pursuant to this article serve as the primary planning document for hazardous waste management at the local level; that the plans be integrated with other local land use planning activities to ensure that suitable locations are available for needed hazardous waste facilities; that land uses adjacent to, or near, hazardous waste facilities, or proposed sites for these facilities, are compatible with their operation; and that the plans are prepared with the full and meaningful involvement of the public, environmental groups, civic associations, generators of hazardous wastes, and the hazardous waste management industry.~~

~~(d) It is further the intent of the Legislature, in enacting this article, to define the respective responsibilities of state and local~~

1 governments in hazardous waste management planning; to establish
2 a comprehensive planning process in which state and local
3 government, the public, and industry jointly develop safe and
4 effective solutions for the management and disposal of hazardous
5 wastes; to ensure that local governments are assisted adequately
6 by the state in carrying out their responsibilities; and to provide
7 funding for local-level planning.

8 (e) It is further the intent of the Legislature to create significant
9 disincentives for new releases of hazardous substances that can
10 contaminate soil, buildings, and other environmental media, thereby
11 preventing the generation of hazardous waste in the future.

12 (f) It is further the intent of the Legislature to ensure that
13 reducing hazardous waste disposal in hazardous waste landfills
14 does not result in increased health and environmental burdens to
15 other communities.

16 (g) It is further the intent of the Legislature to reduce the impact
17 of hazardous waste generation and disposal on individuals in
18 low-income communities by ensuring that individuals in these
19 impacted communities have a greater role in shaping governmental
20 priorities and decisionmaking and that environmental justice
21 concerns are considered during hazardous waste facility permitting
22 and decisionmaking.

23 (h) It is further the intent of the Legislature to look to the private
24 sector to develop new technologies and increase pollution
25 prevention practices to reduce hazardous waste generation.

26 (i) It is further the intent of the Legislature to look to the private
27 sector to develop new technologies and practices to remediate sites
28 contaminated by hazardous substances.

29 (j) It is further the intent of the Legislature to ensure that
30 California significantly reduce its generation and disposal of
31 hazardous waste. This is accomplished by requiring a statewide
32 hazardous waste management plan to provide thorough analysis,
33 reduction measures, and specific guidelines to achieve these
34 reductions by 2025.

35 SEC. 5. Section 25135.10 is added to the Health and Safety
36 Code, to read:

37 25135.10. (a) For the purposes of this section, “generation”
38 means the act or process of generating hazardous waste, but does
39 not include the removal of contaminated soil or water.

~~(b) (1) On or before January 1, 2016, the department, in consultation with the advisory committee established pursuant to Section 25135.11, shall prepare and submit, in compliance with Section 9795 of the Government Code, to the Legislature the state hazardous waste reduction plan that identifies measures necessary to achieve significant reduction in hazardous waste generated and disposed of in California by 2025 to the maximum extent practicable. The hazardous waste reduction plan prepared pursuant to this section shall serve as a comprehensive planning document to ensure that the best practices are implemented to reduce hazardous waste generation and disposal.~~

~~(2) In preparing the plan, the department shall take into consideration methods that can serve to reduce the generation of hazardous waste, including pollution prevention, hazardous waste disposal practices in the state, and the impacts of hazardous waste disposal in or near low-income communities.~~

~~(3) In developing the plan, the department shall hold public meetings to discuss elements that could be included in the plan.~~

~~(e) The plan shall include, but need not be limited to, all of the following elements:~~

~~(1) A description of preferred hazardous waste management practices, programs, incentives, requirements, prohibitions, or other measures necessary to reduce hazardous waste generation and disposal. At a minimum, the description shall include steps for all of the following:~~

~~(A) Reducing the generation of hazardous wastes to the maximum extent feasible.~~

~~(B) Reducing the use of hazardous materials and increasing the use of less hazardous or nonhazardous alternatives.~~

~~(C) Reducing the disposal of hazardous waste that may pose a significant threat to human health or the environment to the maximum extent practicable.~~

~~(D) Reducing the risk of exposure to communities threatened by releases of hazardous substances and hazardous wastes.~~

~~(E) Reducing the risk of exposure to communities near sites contaminated by hazardous waste substances and hazardous waste.~~

~~(2) Identification of the hazardous waste streams produced in the state.~~

1 ~~(3) A recommendation for a baseline of statewide hazardous~~
2 ~~waste disposal and a baseline for hazardous waste generation in~~
3 ~~the state from which the identified reductions are to be measured.~~

4 ~~(4) An evaluation of hazardous waste generated and disposed~~
5 ~~of in California and an evaluation of the feasibility of implementing~~
6 ~~waste reduction options.~~

7 ~~(5) A list of those waste reduction measures that have been~~
8 ~~determined to be technically feasible, an assessment of the potential~~
9 ~~for the amount of waste reduction that might be achieved if~~
10 ~~implemented, and an evaluation of factors that could influence the~~
11 ~~achievement of those reductions.~~

12 ~~(6) Identification of statutory and regulatory changes to~~
13 ~~permitting of hazardous waste facilities that would reduce the~~
14 ~~health and environmental burden on communities adjacent to~~
15 ~~hazardous waste landfills.~~

16 ~~(7) A target for the reduction of hazardous waste generation~~
17 ~~and disposal by 2025 and a set of recommendations for achieving~~
18 ~~those reductions.~~

19 ~~(8) An implementation schedule for carrying out the~~
20 ~~recommendations. The schedule shall include the following:~~

21 ~~(A) Any changes in departmental policies or procedures that do~~
22 ~~not require statutory or regulatory changes to implement, and a~~
23 ~~proposed timetable for their adoption. The schedule shall project~~
24 ~~the adoption of departmental policies or procedures no later than~~
25 ~~January 1, 2017.~~

26 ~~(B) Any regulations within the department's statutory authority~~
27 ~~that would need to be adopted in order to carry out the~~
28 ~~recommendations in the plan, and a proposed timetable for their~~
29 ~~adoption.~~

30 ~~(C) Any statutory changes that would need to be enacted in~~
31 ~~order to carry out the recommendations in the plan.~~

32 ~~(d) The plan shall avoid proposals that would do either of the~~
33 ~~following:~~

34 ~~(1) Weaken the health and environmental protections to~~
35 ~~surrounding communities from the remediation of sites~~
36 ~~contaminated by hazardous substances or lead to reduced cleanups~~
37 ~~of contaminated sites.~~

38 ~~(2) Attempt to accomplish hazardous waste disposal reductions~~
39 ~~through shipping the waste out of state.~~

~~(3) Rely on strategies that produce disproportionate impacts on low-income communities and communities of color.~~

~~(e) The department shall release and post on the department's Internet Web site a draft of the hazardous waste reduction plan for public review and comment. The comment period shall be no less than 60 days, and the department shall hold at least one public hearing that includes the advisory committee on the draft plan during the public comment period.~~

~~(f) The requirement for submitting a report imposed under paragraph (1) of subdivision (e) is inoperative on January 1, 2020, pursuant to Section 10231.5 of the Government Code.~~

~~(g) Notwithstanding Section 10321.5 of the Government Code, on or before January 1, 2017, and every two years thereafter, the department shall report to the Legislature, in compliance with Section 9795 of the Government Code, on its progress toward achieving the reduction goals in the state hazardous waste reduction plan. The report shall include all of the efforts the department has made to achieve these goals, as well as identify those recommendations in the plan that were not implemented, and an explanation as to why the recommendations were not implemented. If the goals are not on track to be met, the report shall also include recommendations for additional steps that would be necessary to meet the reduction goals specified in the plan.~~

~~SEC. 6. Section 25135.11 is added to the Health and Safety Code, to read:~~

~~25135.11. (a) The Hazardous Waste Reduction Advisory Committee is hereby created. The advisory committee shall consist of seven members, as follows:~~

- ~~(1) Two members appointed by the Speaker of the Assembly.~~
- ~~(2) Two members appointed by the Senate Committee on Rules.~~
- ~~(3) One member appointed by the Governor.~~
- ~~(4) One member appointed by the Secretary of the California Environmental Protection Agency.~~

~~(5) One member appointed by the President of the University of California.~~

~~(b) The members shall include:~~

- ~~(1) At least one representative from an environmental justice organization that works in one of the communities listed pursuant to Section 71117.5 of the Public Resources Code.~~

~~(2) One representative from an environmental justice organization, a public health organization, or an academic school of public health that works in one of the communities listed pursuant to Section 71117.5 of the Public Resources Code.~~

~~(3) Two academic experts in hazardous waste reduction.~~

~~(4) One representative of an organized labor group that works in hazardous waste facilities.~~

~~(5) One academic expert in public health and environmental hazards posed by toxic substances.~~

~~(6) One expert in regulation and enforcement related to hazardous waste law.~~

~~(7) The director or designated appointee from the director's executive team serving as an ex officio member.~~

~~(c) Beginning March 1, 2014, the advisory committee shall meet at least three times each year to solicit public input with the goal of assisting the department in its preparation of a state hazardous waste reduction plan pursuant to Section 25135.10. In advising the department, the advisory committee, at a minimum, shall do both of the following:~~

~~(1) Recommend statutory, regulatory, policy, and permitting changes that would reduce the generation and the quantity of hazardous waste in the state, encourage the use of nonhazardous alternatives, and fulfill all the goals and requirements of the plan developed pursuant to Section 25135.10.~~

~~(2) Recommend regulatory steps for enhancing enforcement of toxic laws and regulations to create significant disincentives for contaminating soil, buildings, and other environmental media with hazardous materials that are used and stored.~~

~~(d) The department shall assist and support the advisory committee in holding public meetings to discuss the hazardous waste reduction plan, including soliciting input on ways to reduce the generation and disposal of hazardous waste, and participation at each meeting of the advisory committee by the appropriate member of the director's executive team for each of the agenda items to be discussed at the meeting.~~

~~SEC. 7. Section 25196.1 is added to the Health and Safety Code, to read:~~

~~25196.1. (a) Notwithstanding any provision of this article establishing the maximum amount of administrative, civil, or criminal fines or penalties, for a violation that occurs in a facility~~

1 located in a community listed pursuant to Section 71117.5 of the
2 Public Resources Code and that results in an increased level of
3 emissions or discharges that exceeds a level permitted by this
4 chapter, the department, unified program agency, or the court shall
5 double the maximum amount of fines or penalties assessed for the
6 violation.

7 (b) Fifty percent of the fines or penalties collected pursuant to
8 this section that are deposited into the Toxic Substances Control
9 Account pursuant to Section 25192 shall be expended, upon
10 appropriation by the Legislature, by the department for
11 environmentally beneficial projects, as defined in Section 71116.1
12 of the Public Resources Code, authorized pursuant to Section
13 25173.6 that are located within a community listed pursuant to
14 Section 71117.5 of the Public Resources Code.

15 SEC. 8. Section 42410.1 is added to the Health and Safety
16 Code, to read:

17 42410.1. (a) Notwithstanding any other provision of this article
18 establishing the maximum amount of administrative, civil, or
19 criminal fines or penalties, for a violation that occurs in a facility
20 located in a community listed pursuant to Section 71117.5 of the
21 Public Resources Code and that results in an increased level of
22 emission or discharges that exceeds the level permitted pursuant
23 to this division, the state board, district, or the court shall double
24 the maximum amount of fines or penalties assessed for the
25 violation.

26 (b) Fifty percent of the fines or penalties collected pursuant to
27 this section shall be deposited into the Green Zone Trust Fund
28 established pursuant to Section 71116.1 of the Public Resources
29 Code.

30 SEC. 9. Section 45024.1 is added to the Public Resources Code,
31 to read:

32 45024.1. (a) Notwithstanding any provision of this article
33 establishing the maximum amount of a civil fine or penalty for a
34 violation occurring in a facility located in a community listed
35 pursuant to Section 71117.5 that results in an increased level of
36 emissions or discharges that exceeds the level permitted by this
37 division, the department, local enforcement agency, or the court
38 shall double the maximum amount of the fines or penalties assessed
39 for the violation.

1 ~~(b) Fifty percent of the fines or penalties collected pursuant to~~
2 ~~this section shall be deposited into the Green Zone Trust Fund~~
3 ~~established pursuant to Section 71116.1.~~

4 ~~SEC. 10. Section 45025.1 is added to the Public Resources~~
5 ~~Code, to read:~~

6 ~~45025.1. (a) Notwithstanding paragraph (1) of subdivision (a)~~
7 ~~of Section 45025, for a violation occurring in a facility located in~~
8 ~~a community listed pursuant to Section 71117.5 that results in an~~
9 ~~increased level of emissions or discharges that exceeds the level~~
10 ~~permitted by this division, the court shall double the maximum~~
11 ~~amount of criminal fines or penalties assessed for the violation.~~

12 ~~(b) Fifty percent of the fines or penalties collected pursuant to~~
13 ~~this section shall be deposited into the Green Zone Trust Fund~~
14 ~~established pursuant to Section 71116.1.~~

15 ~~SEC. 11. Section 71116 of the Public Resources Code is~~
16 ~~amended to read:~~

17 ~~71116. (a) The Environmental Justice Small Grant Program~~
18 ~~is hereby established under the jurisdiction of the California~~
19 ~~Environmental Protection Agency. The California Environmental~~
20 ~~Protection Agency shall adopt regulations for the implementation~~
21 ~~of this section. These regulations shall include, but need not be~~
22 ~~limited to, all of the following:~~

23 ~~(1) Specific criteria and procedures for the implementation of~~
24 ~~the program.~~

25 ~~(2) A requirement that each grant recipient submit a written~~
26 ~~report to the agency documenting its expenditures of the grant~~
27 ~~funds and the results of the funded project.~~

28 ~~(3) Provisions promoting the equitable distribution of grant~~
29 ~~funds in a variety of areas throughout the state, with the goal of~~
30 ~~making grants available to organizations that will attempt to~~
31 ~~address environmental justice issues.~~

32 ~~(b) The purpose of the program is to provide grants to eligible~~
33 ~~community groups, including, but not limited to, community-based,~~
34 ~~grassroots nonprofit organizations that are located in areas~~
35 ~~adversely affected by environmental pollution and hazards and~~
36 ~~that are involved in work to address environmental justice issues.~~

37 ~~(c) (1) Both of the following are eligible to receive moneys~~
38 ~~from the fund:~~

39 ~~(A) A nonprofit entity.~~

40 ~~(B) A federally recognized tribal government.~~

~~(2) For the purposes of this section, “nonprofit entity” means any corporation, trust, association, cooperative, or other organization that meets all of the following criteria:~~

~~(A) Is operated primarily for scientific, educational, service, charitable, or other similar purposes in the public interest.~~

~~(B) Is not organized primarily for profit.~~

~~(C) Uses its net proceeds to maintain, improve, or expand, or any combination thereof, its operations.~~

~~(D) Is a tax-exempt organization under Section 501(c)(3) of the federal Internal Revenue Code, or is able to provide evidence to the agency that the state recognizes the organization as a nonprofit entity.~~

~~(3) For the purposes of this section, “nonprofit entity” specifically excludes an organization that is a tax-exempt organization under Section 501(c)(4) of the federal Internal Revenue Code.~~

~~(d) Individuals may not receive grant moneys from the fund.~~

~~(e) Grant recipients shall use the grant award to fund only the project described in the recipient’s application. Recipients shall not use the grant funding to shift moneys from existing or proposed projects to activities for which grant funding is prohibited under subdivision (g).~~

~~(f) Grants shall be awarded on a competitive basis for projects that are based in communities with the most significant exposure to pollution. Grants shall be limited to any of the following purposes and no other:~~

~~(1) Resolve environmental problems through distribution of information.~~

~~(2) Identify improvements in communication and coordination among agencies and stakeholders in order to address the most significant exposure to pollution.~~

~~(3) Expand the understanding of a community about the environmental issues that affect their community.~~

~~(4) Develop guidance on the relative significance of various environmental risks.~~

~~(5) Promote community involvement in the decisionmaking process that affects the environment of the community.~~

~~(6) Present environmental data for the purposes of enhancing community understanding of environmental information systems and environmental information.~~

1 ~~(g) (1) The agency shall not award grants for, and grant funding~~
2 ~~shall not be used for, any of the following:~~

3 ~~(A) Other state grant programs:~~

4 ~~(B) Lobbying or advocacy activities relating to any federal,~~
5 ~~state, regional, or local legislative, quasi-legislative, adjudicatory,~~
6 ~~or quasi-judicial proceeding involving development or adoption~~
7 ~~of statutes, guidelines, rules, regulations, plans or any other~~
8 ~~governmental proposal, or involving decisions concerning siting,~~
9 ~~permitting, licensing, or any other governmental action:~~

10 ~~(C) Litigation, administrative challenges, enforcement action,~~
11 ~~or any type of adjudicatory proceeding:~~

12 ~~(D) Funding of a lawsuit against any governmental entity.~~

13 ~~(E) Funding of a lawsuit against a business or a project owned~~
14 ~~by a business:~~

15 ~~(F) Matching state or federal funding:~~

16 ~~(G) Performance of any technical assessment for purposes of~~
17 ~~opposing or contradicting a technical assessment prepared by a~~
18 ~~public agency.~~

19 ~~(2) An organization's use of funds from a grant awarded under~~
20 ~~this section to educate a community regarding an environmental~~
21 ~~justice issue or a governmental process does not preclude that~~
22 ~~organization from subsequent lobbying or advocacy concerning~~
23 ~~that same issue or governmental process, as long as the lobbying~~
24 ~~or advocacy is not funded by a grant awarded under this section.~~

25 ~~(h) The agency shall review, evaluate, and select grant recipients,~~
26 ~~and screen grant applications to ensure that they meet the~~
27 ~~requirements of this section:~~

28 ~~(i) The maximum amount of a grant provided pursuant to this~~
29 ~~section may not exceed fifty thousand dollars (\$50,000):~~

30 ~~(j) For the purposes of this section, "environmental justice" has~~
31 ~~the same meaning as defined in Section 65040.12 of the~~
32 ~~Government Code:~~

33 ~~(k) This section shall be implemented only during fiscal years~~
34 ~~for which an appropriation is provided for the purposes of this~~
35 ~~section in the annual Budget Act or in another statute:~~

36 ~~SEC. 12. Section 71116.1 is added to the Public Resources~~
37 ~~Code, to read:~~

38 ~~71116.1. (a) The Green Zone Trust Fund is hereby established~~
39 ~~in the State Treasury and, upon appropriation by the Legislature,~~
40 ~~shall be expended by the California Environmental Protection~~

~~Agency for the purposes to support projects that are environmentally beneficial to environmental justice communities.~~

~~(b) On or before January 1, 2015, the California Environmental Protection Agency shall adopt guidelines for the implementation of this section on or before January 1, 2015. The guidelines shall do all of the following:~~

~~(1) Establish criteria and procedures for designating Green Zone Environmental Projects.~~

~~(2) Establish procedures for the disbursement of funds on an annual basis from the Green Zone Trust Fund for Green Zone Environmental Projects.~~

~~(3) Preferentially disburse funds derived from penalties for a violation occurring in an environmental justice community, or within two miles of an environmental justice community, for Green Zone Environmental Projects that are in geographic proximity with the environmental justice community for which the penalties are collected.~~

~~(4) Allow a public entity, local government, or nonprofit organization to submit applications for projects for inclusion as a Green Zone Environmental Project, if the projects meet the criteria established pursuant to paragraph (1).~~

~~(c) In establishing the guidelines, the California Environmental Protection Agency shall solicit and consider comments from the public, including releasing draft project criteria, implementing a public comment period, and hosting a public workshop.~~

~~(d) The adoption of guidelines pursuant to this section is exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).~~

~~(e) On or before January 1, 2015, and annually thereafter, the California Environmental Protection Agency shall solicit and release a list of Green Zone Environmental Projects after a public process. The public process shall include all of the following:~~

~~(1) A public request for proposals that is posted on the agency's Internet Web site and distributed via electronic mail. All proposals shall meet the criteria established in the Green Zone Trust Fund guidelines.~~

~~(2) A public list of Green Zone Environmental Projects online that is updated on an annual basis.~~

1 (f) For the purposes of this section, the following definitions
2 shall apply:

3 (1) “Environmentally beneficial” means a project with a primary
4 purpose to improve, protect, or reduce risks to public health or the
5 environment.

6 (2) “Environmental Justice community” means a community
7 listed pursuant to Section 71117.5.

8 (3) “Green Zone Environmental Project” means an
9 environmentally beneficial project occurring within an
10 environmental justice community.

11 SEC. 13. Section 71117.5 is added to the Public Resources
12 Code, to read:

13 71117.5. (a) For the purposes of this section,
14 “disproportionately impacted by environmental hazards” means
15 public health or environmental effects from the emissions or
16 discharge of substances in a geographic area, including
17 environmental pollution for all sources whether in a single medium
18 or in multiple media, routinely, accidentally, or otherwise released
19 into the environment, taking into account sensitive populations
20 and socioeconomic factors, where applicable and to the extent data
21 is available.

22 (b) (1) On or before January 1, 2015, the California
23 Environmental Protection Agency shall establish a list identifying
24 the top 15 percent of communities in the state, based on census
25 tracts, that are disproportionately impacted by environmental
26 hazards. The communities shall be selected based on the criteria
27 specified in Section 39711 of the Health and Safety Code.

28 (2) The California Environmental Protection Agency shall
29 review and revise the list of communities on a triennial basis and
30 shall make the list publicly available on the agency’s Internet Web
31 site.

32 (3) In establishing or revising the list of communities, the
33 California Environmental Protection Agency shall solicit and
34 consider comments from the public and conduct a public hearing.

35 (e) The establishment of the list pursuant to subdivision (b) is
36 exempt from the rulemaking provisions of the Administrative
37 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
38 Part 1 of Division 3 of Title 2 of the Government Code).

1 ~~SEC. 14.~~

2 ~~SEC. 3.~~ Section 71119 is added to the Public Resources Code,
3 to read:

4 71119. (a) ~~(1) The~~ *To the extent that information is normally*
5 *available to the public pursuant to the California Public Records*
6 *Act (Chapter 3.5 (commencing with Section 6250) of Division 7*
7 *of Title 1 of the Government Code), the California Environmental*
8 *Protection Agency shall maintain an agencywide public database*
9 *on its Internet Web site of complaints and enforcement cases for*
10 *each board, department, and office of the agency, to the extent the*
11 *information on the database would normally be available pursuant*
12 *to the Public Records Act (Chapter 3.5 (commencing with Section*
13 *6250) of Division 7 of Title 1 of the Government Code), and*
14 *compliance histories of its regulated entities that have committed*
15 *violations focusing on the date of last inspection, total number of*
16 *violations, total amount of fines, and information related to how*
17 *the entities rectified the violation. containing all of the following*
18 *information:*

19 ~~(2) Information on the compliance~~

20 ~~(1) Permits issued by each board, department, and office of the~~
21 *California Environmental Protection Agency.*

22 ~~(2) Enforcement actions initiated by each board, department,~~
23 *and office of the California Environmental Protection Agency.*

24 ~~(3) (A) Compliance histories of regulated entities required~~
25 *pursuant to paragraph (1) shall not include information prior to*
26 *2008; regulated by each board, department, and office of the*
27 *California Environmental Protection Agency.*

28 ~~(B) The compliance history of each regulated entity shall specify~~
29 *the date of last inspection, the total number of violations, if any,*
30 *the total amount of fines and penalties assessed, if any, and whether*
31 *the violations, if any, have been corrected. Information required*
32 *pursuant to this subparagraph shall include information subsequent*
33 *to 2008.*

34 ~~(C) To the extent possible, the agency shall include links to~~
35 *inspection reports, draft orders, and enforcement actions taken*
36 *by other agencies.*

37 ~~(b) The public database shall be interactive and utilize a~~
38 *geographic information system platform that allows the public to*
39 *file an environmental complaint with the California Environmental*

~~Protection Agency~~. *is searchable on the basis of location, category of information, regulatory agency, and facility.*

(c) On or before January 1, ~~2017~~, 2018, the California Environmental Protection Agency shall post the public database on its Internet Web site.

(d) (1) *On or before January 1, 2016, and on or before January 1, 2017, the California Environmental Protection Agency shall provide to the Legislature an annual report on the progress and the status of the database, in the manner provided in Section 9795 of the Government Code.*

(2) *Pursuant to Section 10231.5 of the Government Code, this subdivision shall become inoperative on January 1, 2020.*

~~SEC. 15. Section 71119.5 is added to the Public Resources Code, to read:~~

~~71119.5. (a) Subject to applicable legal requirements, in awarding grants or funding, a state agency administering a funding program shall give priority to projects located in environmental justice communities.~~

~~(b) A state agency subject to this section shall provide information on the methods for compliance with this section in any solicitation issued by that state agency for grants or funding and shall provide public notice that demonstrates compliance with this section when awarding those grants or funding.~~

~~(c) For the purpose of this section, “environmental justice community” means a community listed pursuant to Section 71117.5.~~

~~(d) For the purposes of the section, “state agency” means the following:~~

~~(1) A board, department, or office of the California Environmental Protection Agency.~~

~~(2) An agency, commission, department, and other subdivisions of the Natural Resources Agency.~~

~~(3) The Strategic Growth Council.~~

~~SEC. 16. The sum of eight hundred thousand dollars (\$800,000) is hereby appropriated from the Hazardous Waste Control Account to the Department of Toxic Substances Control for the purposes of revising the state hazardous waste management plant pursuant to Section 25135.10 of the Health and Safety Code.~~

1 ~~SEC. 17.~~

2 ~~SEC. 4.~~ The provisions of this act are severable. If any
3 provision of this act or its application is held invalid, that invalidity
4 shall not affect other provisions or applications that can be given
5 effect without the invalid provision or application.

6 ~~SEC. 18.~~ ~~No reimbursement is required by this act pursuant to~~
7 ~~Section 6 of Article XIII B of the California Constitution because~~
8 ~~a local agency or school district has the authority to levy service~~
9 ~~charges, fees, or assessments sufficient to pay for the program or~~
10 ~~level of service mandated by this act, within the meaning of Section~~
11 ~~17556 of the Government Code.~~

12 ~~SEC. 5.~~ *Section 2.5 of this bill incorporates amendments to*
13 *Section 54954.3 of the Government Code proposed by both this*
14 *bill and Assembly Bill 194. It shall only become operative if (1)*
15 *both bills are enacted and become effective on or before January*
16 *1, 2015, (2) each bill amends Section 54954.3 of the Government*
17 *Code, and (3) this bill is enacted after Assembly Bill 194, in which*
18 *case Section 2 of this bill shall not become operative.*